

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 3001

WILLIAM ERICK BEVANS
237 Deanna Place
Windsor, California 95492

Pharmacist License No. RPH 27417

Respondent.

DECISION AND ORDER

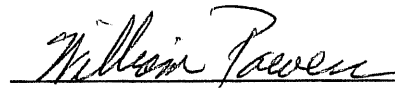
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 28, 2007.

It is so ORDERED February 26, 2007.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS
Board President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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Supervising Deputy Attorney General
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9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 3001

12 **WILLIAM ERICK BEVANS**
13 237 Deanna Place
14 Windsor, California 95492

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Pharmacist License No. RPH 27417

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:
20

21 **PARTIES**

22 1. Virginia Herold (Complainant) is the Interim Executive Officer of the
23 Board of Pharmacy. She brought this action solely in her official capacity and is represented in
24 this matter by Bill Lockyer, Attorney General of the State of California, by Shana A. Bagley,
25 Deputy Attorney General.

26 2. Respondent William Erick Bevans (Respondent) is representing himself in
27 this proceeding and has chosen not to exercise his right to be represented by counsel.
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3. On or about August 5, 1971, the Board of Pharmacy issued Pharmacist License No. RPH 27417 to William Erick Bevans (Respondent). The Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 3001 and will expire on March 31, 2008, unless renewed.

JURISDICTION

4. Accusation No. 3001 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 20, 2006. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 3001 is attached as Exhibit "A" and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 3001. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 3001.

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1 9. Respondent agrees that his Pharmacist License is subject to discipline and
2 he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
3 Order below.

4 **CIRCUMSTANCES IN MITIGATION**

5 10. Respondent William Erick Bevans has never been the subject of any
6 disciplinary action. He is admitting responsibility at an early stage in the proceedings.

7 **CONTINGENCY**

8 11. This stipulation shall be subject to approval by the Board of Pharmacy.
9 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
10 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,
11 without notice to or participation by Respondent. By signing the stipulation, Respondent
12 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
13 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
14 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force
15 or effect, except for this paragraph, it shall be inadmissible in any legal action between the
16 parties, and the Board shall not be disqualified from further action by having considered this
17 matter.

18 12. The parties understand and agree that facsimile copies of this Stipulated
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
20 force and effect as the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties
22 agree that the Board may, without further notice or formal proceeding, issue and enter the
23 following Disciplinary Order:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 27417 issued to Respondent William Erick Bevans is revoked. However, the revocation is stayed and the Respondent is placed on five (5) years probation on the following terms and conditions.

1. **Actual Suspension - Pharmacist.** Pharmacist License No. RPH 27417, issued to Respondent William Erick Bevans is suspended for a period of 90 days, with credit for the suspension period served through the Pharmacists Recovery Program.

During suspension, Respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the Board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances.

Respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for any entity licensed by the Board. Subject to the above restrictions, Respondent may continue to own or hold an interest in any pharmacy in which he holds an interest at the time this decision becomes effective unless otherwise specified in this order.

2. **Obey All Laws.** Respondent shall obey all state and federal laws and regulations substantially related to or governing the practice of pharmacy.

Respondent shall report any of the following occurrences to the Board, in writing, within 72 hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws

- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state and federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distribution or billing or charging for any drug, device or controlled substance.

3. **Reporting to the Board.** Respondent shall report to the Board quarterly. The report shall be made either in person or in writing, as directed. Respondent shall state under penalty of perjury whether there has been compliance with all the terms and conditions of probation. If the final probation report is **not** made as directed, probation shall be extended automatically until such time as the final report is made and accepted by the Board.

4. **Interview with the Board.** Upon receipt of reasonable notice, Respondent shall appear in person for interviews with the Board upon request at various intervals at a location to be determined by the Board. Failure to appear for a scheduled interview without prior notification to Board staff shall be considered a violation of probation.

5. **Cooperation with Board Staff.** Respondent shall cooperate with the Board's inspectional program and in the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of his probation. Failure to comply shall be considered a violation of probation.

6. **Continuing Education.** Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the Board.

7. **Notice to Employers.** Respondent shall notify all present and prospective employers of the decision in case number 3001 and the terms, conditions and restrictions imposed on Respondent by the decision. Within 30 days of the effective date of this decision, and within 15 days of Respondent undertaking new employment, Respondent shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in writing acknowledging the employer has read the decision in case number 3001.

1 If Respondent works for or is employed by or through a pharmacy employment
2 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
3 every pharmacy of the terms and conditions of the decision in case number 3001 in advance of
4 the Respondent commencing work at each pharmacy.

5 "Employment" within the meaning of this provision shall include any full-time,
6 part-time, temporary, relief or pharmacy management service as a pharmacist, whether the
7 Respondent is considered an employee or independent contractor.

8 8. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
9 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
10 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the
11 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this
12 order.

13 9. **Reimbursement of Board Costs.** Respondent shall pay to the Board
14 its costs of investigation and prosecution in the amount of \$ 5,500.00. Respondent shall make
15 said payments as follows: Quarterly: upon approval to return to work from the Pharmacists
16 Recovery Program.

17 The filing of bankruptcy by Respondent shall not relieve Respondent of his
18 responsibility to reimburse the Board its costs of investigation and prosecution.

19 10. **Probation Monitoring Costs.** Respondent shall pay the costs
20 associated with probation monitoring as determined by the Board each and every year of
21 probation. Such costs shall be payable to the Board at the end of each year of probation.
22 Failure to pay such costs shall be considered a violation of probation.

23 11. **Status of License.** Respondent shall, at all times while on probation,
24 maintain an active current license with the Board, including any period during which
25 suspension or probation is tolled.

26 If Respondent's license expires or is canceled by operation of law or otherwise,
27 upon renewal or reapplication, Respondent's license shall be subject to all terms and
28 conditions of this probation not previously satisfied.

1 12. **License Surrender while on Probation/Suspension.** Following the
2 effective date of this decision, should Respondent cease practice due to retirement or health, or
3 be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender
4 his license to the Board for surrender. The Board shall have the discretion whether to grant
5 the request for surrender or take any other action it deems appropriate and reasonable. Upon
6 formal acceptance of the surrender of the license, Respondent will no longer be subject to the
7 terms and conditions of probation.

8 Upon acceptance of the surrender, Respondent shall relinquish his pocket
9 license to the Board within 10 days of notification by the Board that the surrender is accepted.
10 Respondent may not reapply for any license from the Board for three years from the effective
11 date of the surrender. Respondent shall meet all requirements applicable to the license sought
12 as of the date the application for that license is submitted to the Board.

13 13. **Notification of Employment/Mailing Address Change.** Respondent
14 shall notify the Board in writing within 10 days of any change of employment. Said
15 notification shall include the reasons for leaving and/or the address of the new employer,
16 supervisor or owner and work schedule if known. Respondent shall notify the Board in
17 writing within 10 days of a change in name, mailing address or phone number:

18 14. **Tolling of Probation.** Should Respondent, regardless of residency, for
19 any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in
20 California, Respondent must notify the Board in writing within 10 days of cessation of the
21 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time
22 shall not apply to the reduction of the probation period. It is a violation of probation for
23 Respondent's probation to remain tolled pursuant to the provisions of this condition for a
24 period exceeding three years.

25 "Cessation of practice" means any period of time exceeding 30 days in which
26 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of the
27 Business and Professions Code.

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1 15. **Violation of Probation.** If Respondent violates probation in any
2 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
3 probation and carry out the disciplinary order which was stayed. If a petition to revoke
4 probation or an accusation is filed against Respondent during probation, the Board shall have
5 continuing jurisdiction and the period of probation shall be extended, until the petition to
6 revoke probation or accusation is heard and decided.

7 If Respondent has not complied with any term or condition of probation, the
8 Board shall have continuing jurisdiction over Respondent, and probation shall automatically
9 be extended until all terms and conditions have been satisfied or the Board has taken other
10 action as deemed appropriate to treat the failure to comply as a violation of probation, to
11 terminate probation, and to impose the penalty which was stayed.

12 16. **Completion of Probation.** Upon successful completion of probation,
13 Respondent's license will be fully restored.

14 17. **Rehabilitation Program - Pharmacists Recovery Program (PRP).**
15 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists
16 Recovery Program for evaluation and shall successfully participate in and complete the
17 treatment contract and any subsequent addendums as recommended and provided by the PRP
18 and as approved by the Board. The costs for PRP participation shall be borne by the
19 Respondent.

20 If Respondent is currently enrolled in the PRP, said participation is now
21 mandatory and is no longer considered a self-referral under Business and Professions Code
22 section 4363, as of the effective date of this decision. Respondent shall successfully
23 participate in and complete his current contract and any subsequent addendums with the PRP.
24 Probation shall be automatically extended until Respondent successfully completes his
25 treatment contract. Any person terminated from the program shall be automatically suspended
26 upon notice by the Board. Respondent may not resume the practice of pharmacy until notified
27 by the Board in writing. The Board shall retain jurisdiction to institute action to terminate
28 probation for any violation of this term.

1 18. **Random Drug Screening.** Respondent, at his own expense, shall
2 participate in random testing, including but not limited to biological fluid testing (urine,
3 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.
4 The length of time shall be for the entire probation period and the frequency of testing will be
5 determined by the Board. At all times Respondent shall fully cooperate with the Board, and
6 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,
7 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as
8 directed shall constitute a violation of probation. Any confirmed positive drug test shall result
9 in the immediate suspension of practice by Respondent. Respondent may not resume the
10 practice of pharmacy until notified by the Board in writing.

11 19. **Abstain from Drugs and Alcohol Use.** Respondent shall completely
12 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their
13 associated paraphernalia except when the drugs are lawfully prescribed by a licensed
14 practitioner as part of a documented medical treatment. Upon request of the Board,
15 Respondent shall provide documentation from the licensed practitioner that the prescription
16 was legitimately issued and is a necessary part of the treatment of the Respondent.

17 20. **Supervised Practice.** Respondent shall practice only under the
18 supervision of a pharmacist not on probation with the Board. Respondent shall not practice
19 until the supervisor is approved by the Board. The supervision shall be, as required by the
20 Board, either:

21 Continuous - 75% to 100% of a work week

22 Substantial - At least 50% of a work week

23 Partial - At least 25% of a work week

24 Daily Review - Supervisor's review of probationer's daily activities
25 within 24 hours

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1 Within 30 days of the effective date of this decision, Respondent shall have his
2 supervisor submit notification to the Board in writing stating the supervisor has read the
3 decision in case number 3001 and is familiar with the level of supervision as determined by
4 the Board.

5 If Respondent changes employment, Respondent shall have his new supervisor,
6 within 15 days after employment commences, submit notification to the Board in writing
7 stating the direct supervisor and pharmacist-in-charge have read the decision in case number
8 3001 and is familiar with the level of supervision as determined by the Board.

9 Within 10 days of leaving employment, Respondent shall notify the Board in
10 writing.

11 21. **No Ownership of Premises.** Respondent shall not own, have any legal
12 or beneficial interest in, or serve as a manager, administrator, member, officer, director,
13 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter
14 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any
15 entity licensed by the Board within 90 days following the effective date of this decision and
16 shall immediately thereafter provide written proof thereof to the Board.

17 22. **Tolling of Suspension.** If Respondent leaves California to reside or
18 practice outside this state, for any period exceeding 10 days (including vacation), Respondent
19 must notify the Board in writing of the dates of departure and return. Periods of residency or
20 practice outside the state - or any absence exceeding a period of 10 days shall not apply to the
21 reduction of the suspension period.

22 Respondent shall not practice pharmacy upon returning to this state until
23 notified by the Board that the period of suspension has been completed.

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1 ACCEPTANCE

2 I have carefully read the Stipulated Settlement and Disciplinary Order. I
3 understand the stipulation and the effect it will have on my Pharmacist License No. RPH
4 27417. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,
5 and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

6 DATED: 1-21-07.

7 
8 WILLIAM ERICK BEVANS
9 Respondent

10
11 ENDORSEMENT

12 The foregoing Stipulated Settlement and Disciplinary Order is hereby
13 respectfully submitted for consideration by the Board of Pharmacy of the Department of
14 Consumer Affairs.

15
16 DATED: _____

17 BILL LOCKYER, Attorney General
18 of the State of California

19 WILBERT E. BENNETT
20 Supervising Deputy Attorney General

21
22 SHANA A. BAGLEY
23 Deputy Attorney General
24 Attorneys for Complainant

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Pharmacist License No. RPH 27417. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____.

WILLIAM ERICK BEVANS
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 1.22.07

EDMUND G. BROWN JR., Attorney General
of the State of California

WILBERT E. BENNETT
Supervising Deputy Attorney General

SHANA A. BAGLEY
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 3001

BILL LOCKYER, Attorney General
of the State of California
SHANA A. BAGLEY, State Bar No. 169423
Deputy Attorney General
California Department of Justice
1515 Clay Street, 20th Floor
P.O. Box 70550
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Attorneys for Complainant

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 3001

WILLIAM ERICK BEVANS
237 Deanna Place
Windsor, California 95492

A C C U S A T I O N

Pharmacist License No. No. RPH 27417

Respondent.

Complainant alleges:

PARTIES

1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about August 5, 1971, the Board of Pharmacy issued Pharmacist License No. RPH 27417 to William Erick Bevans (Respondent). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2008, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

Statutory Provisions

4. Section 4022 of the Code states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use, except veterinary drugs that are labeled as such, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

5. Section 4059 of the Code states, in pertinent part, that a person may not furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian.

6. Section 4060 of the Code states, in pertinent part:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer . . .

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1 7. Section 4300 of the Code states, in pertinent part:

2 (a) Every license issued may be suspended or revoked.

3 (b) The board shall discipline the holder of any license issued by
4 the board, whose default has been entered or whose case has been
5 heard by the board and found guilty, by any of the following
6 methods:

7 (1) Suspending judgment.

8 (2) Placing him or her upon probation.

9 (3) Suspending his or her right to practice for a period not
10 exceeding one year.

11 (4) Revoking his or her license.

12 (5) Taking any other action in relation to disciplining him
13 or her as the board in its discretion may deem proper . . .

14 8. Section 4301 of the Code states, in pertinent part:

15 The board shall take action against any holder of a license who is
16 guilty of unprofessional conduct or whose license has been
17 procured by fraud or misrepresentation or issued by mistake.
18 Unprofessional conduct shall include, but is not limited to, any of
19 the following:

20 ...

21 (f) The commission of any act involving moral turpitude,
22 dishonesty, fraud, deceit, or corruption, whether the act is
23 committed in the course of relations as a licensee or otherwise, and
24 whether the act is a felony or misdemeanor or not.

25 ...

26 (h) The administering to oneself, of any controlled substance, or
27 the use of any dangerous drug or of alcoholic beverages to the
28 extent or in a manner as to be dangerous or injurious to oneself, to
29 a person holding a license under this chapter, or to any other person
30 or to the public, or to the extent that the use impairs the ability of
31 the person to conduct with safety to the public the practice
32 authorized by the license.

33 ...

34 (j) The violation of any of the statutes of this state or of the United
35 States regulating controlled substances and dangerous drugs.

36 ...

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(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board.

9. Section 4327 of the Code states that "[a]ny person who, while on duty, sells, dispenses or compounds any drug while under the influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor."

10. Health and Safety Code section 11170 provides that no person shall prescribe, administer, or furnish a controlled substance for himself.

11. Health and Safety Code section 11171 provides that no person shall prescribe, administer, or furnish a controlled substance except under the conditions and in the manner provided by the state Uniform Controlled Substances Act, Health and Safety Code section 11000 et seq.

12. Health and Safety Code section 11173(a) provides, in pertinent part, that no person shall obtain, or attempt to obtain controlled substances by fraud, deceit, misrepresentation, or subterfuge.

13. Health and Safety Code section 11350, subdivision (a), provides that no person shall possess a controlled substance without a prescription.

Cost Recovery

14. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

Drugs

15. At all times material herein, Phentermine was and is the generic name for the trade name drug Adipex-P, which is designated as a Schedule IV controlled substance by Health and Safety Code section 11057, subdivision (f)(4), and as a dangerous drug by Business and Professions Code section 4022. Phentermine is similar to an amphetamine and is used in the treatment of obesity.

1 16. At all times material herein, Hydrocodone was and is the generic name for
2 the trade name drug Vicodin, which is designated as a narcotic drug and a Schedule III controlled
3 substance by Health and Safety Code section 11056, subdivision(e)(4), and as a dangerous drug
4 by Business and Professions Code section 4022. Hydrocodone is used as a narcotic analgesic in
5 the relief of pain.

6 17. At all times material herein, Phendimetrazine was and is the generic name
7 for trade name drug Adipost, which is designated as a Schedule III controlled substance by
8 Health and Safety Code section 11056, subdivision (b)(6), and as a dangerous drug by Business
9 and Professions Code section 4022. Phendimetrazine is used in the treatment of obesity.

10 18. At all times material herein, Tylenol with Codeine #3 is designated as a
11 Schedule III controlled substance by Health and Safety Code section 11056, subdivision(e)(2),
12 and as a dangerous drug by Business and Professions Code section 4022. Tylenol with Codeine
13 #3 is used in the treatment of mild to moderately severe pain.

14 19. At all times material herein, Carisoprodol was and is the generic name for
15 the trade name drug Soma, which is designated as a dangerous drug by Business and Professions
16 Code section 4022. Carisoprodol is used in the treatment of muscle spasms.

17 20. At all times material herein, Ibuprofen was and is the generic name for the
18 trade name drug Motrin, which is designated as a dangerous drug by Business and
19 Professions Code section 4022. Ibuprofen is a non-steroidal, anti-inflammatory drug and is used
20 for the treatment of fever, pain, inflammation, and stiffness.

21 21. At all times material herein, Tramadol HCL was and is the generic name
22 for the trade name drug Ultram, which is designated as a dangerous drug by Business and
23 Professions Code section 4022. Tramadol is used for the treatment of chronic pain.

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Factual Background

22. On or about February 2003 through November 2005, Respondent, while employed as a pharmacist by Walgreen's Pharmacy (Walgreen's) in Santa Rosa, California, diverted controlled substances and dangerous drugs from the pharmacy supply, including the following: Phentermine, Hydrocodone, Phendimetrazine, Tylenol with Codeine #3, Carisoprodol 350 mg, Ibuprofen 600 mg, and Tramadol HCL. The exact quantities of the drugs diverted and the dates of diversion are unknown.

23. Respondent has admitted to the diversion of the aforementioned controlled substances and dangerous drugs during the approximate period of time between November 2004 and November 2005, in the approximate amounts of: 500 pills of Hydrocodone, 500 pills of Ibuprofen 600 mg, 500 pills of Carisoprodol, 250 pills of Tylenol with Codeine #3, and 250 pills of Tramadol HCL.

24. Respondent has admitted to the self-administration of the aforementioned controlled substances and dangerous drugs, including: Phentermine and Phendimetrazine as needed for energy, one tablet of Hydrocodone every four to six hours; one to three tablets of Tylenol with Codeine #3 per day; Ibuprofen 600 mg three times a day; and one tablet of Tramadol HCL every four to six hours.

25. A videotape dated November 5, 2005 shows Respondent diverting Ibuprofen 600 and Tramadol HCL from the Walgreen's stock shelf.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Commission of Acts of Dishonesty)

26. Respondents' license is subject to discipline for unprofessional conduct under Code section 4301, subdivision (f), for committing acts involving moral turpitude, dishonesty, fraud, deceit, or corruption in that he stole and diverted numerous controlled substances and dangerous drugs during his employment with Walgreen's, as set forth in paragraphs 22-25, above.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct - Self-Administration of Controlled Substances)

3 27. Respondent is subject to disciplinary action under Code section 4301,
4 subdivision(h), for unprofessional conduct in that he administered to himself controlled
5 substances and used dangerous drugs during his employment as a pharmacist at Walgreen's, as
6 set forth in paragraphs 22-25, above.

7 **THIRD CAUSE FOR DISCIPLINE**

8 (Unprofessional Conduct - Violating State Statutes re: Controlled Substances)

9 28. Respondent's license is subject to discipline for unprofessional conduct
10 under Code section 4301, subdivision (j), for violating state statutes regulating controlled
11 substances and dangerous drugs, including but not limited to Code section 4060 and Health and
12 Safety Code sections 11170, 11171, 11173, subdivision (a), and 11350, subdivision (a), in that
13 Respondent unlawfully administered, obtained, and possessed controlled substances and
14 dangerous drugs, as set forth in paragraphs 22-25, above.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 (Unprofessional Conduct - Violating Provisions of the Pharmacy Law)

17 29. Respondent's license is subject to discipline for unprofessional conduct
18 under Code section 4301, subdivision (o), for violating the provisions of the Pharmacy Law
19 (commencing with Code section 4000, et seq.) and applicable federal and state laws and
20 regulations governing pharmacy in that Respondent unlawfully furnished and administered to
21 himself controlled substances and dangerous drugs without a prescription in violation of Code
22 sections 4059, 4060, and 4327, as set forth in paragraphs 22-25, above.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacist License No. RPH 27417, issued to William Erick Beyans;

3. Taking such other and further action as deemed necessary and proper.

11/15/06


VIRGINIA MEROLD